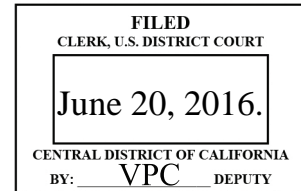


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JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
312 South Spring Street, Los Angeles, California 90012

AGUSTIN RAMIREZ, ANTHONY
RAMIREZ, AGUSTIN RAMIREZ, JR.,

Plaintiffs,

-vs.-

MARIO SOTELO, RICARDO
TARAZON, ARTURO BELTRAN,
JORGE GUZMAN, JUAN ANTONIO
SOTELO, VICENTE MARTINEZ,
DOES 1-10,

Defendants.

AND RELATED COUNTERCLAIM.

No. CV 13-02155 SJO (MRWx)

PERMANENT INJUNCTION

Plaintiffs and counter-defendants AGUSTIN RAMIREZ, ANTHONY
RAMIREZ, AGUSTIN RAMIREZ, JR., defendants MARIO SOTELO, RICARDO
TARAZON, JORGE GUZMAN and JUAN ANTONIO SOTELO and defendant
and counter-complainant MARIO SOTELO have stipulated to settlement and entry

1 of a permanent injunction in this action without adjudication of any issue of fact or
2 law.

3 THEREFORE, based upon the stipulation of the parties, it is hereby
4 ORDERED, ADJUDGED AND DECREED as follows:
5

6 **FINDINGS**

7 1. This Court has jurisdiction over the claims brought by plaintiffs under
8 28 U.S.C. §§ 1331 and 1138(a), and under 15 U.S.C. § 1125(a), 15 U.S.C. §
9 1125(a)(1)(B) and 15 U.S.C. § 1125(c), as well as over plaintiffs' supplemental
10 state law claims, as provided under 28 U.S.C. § 1367.

11 2. Venue in the Central District of California, United States District Court
12 ("this federal district"), is proper.

13 3. This court has jurisdiction over the parties named in the complaint, the
14 counterclaim and this Stipulation.

15 4. The first amended complaint of plaintiffs herein states causes of action
16 for which relief may be granted.

17 5. The parties have entered into a Stipulation for Entry of a Permanent
18 Injunction (hereafter "Stipulation") freely and without coercion.

19 6. The parties, and each of them, have acknowledged that they have read
20 the provisions of the Stipulation as well as this Permanent Injunction and will
21 abide by them.

22 7. The parties to the Stipulation have waived all rights to appeal or
23 otherwise challenge or contest the validity of this Permanent Injunction.

24 8. Each of the parties to the Stipulation has waived his costs and attorney's
25 fees related to this entire action up until the date of entry of the Permanent
26 Injunction herein, including without limitation the Stipulation, Dismissal and
27 Stipulated Permanent Injunction.

28 9. As part of the Stipulation, the parties have agreed to a procedure to be

1 followed in case of a first, second and subsequent alleged violations of this Court's
2 Permanent Injunction which will permit the parties to seek the guidance of the
3 Court as to the issue of fair use, as set forth below in this order.

4 The Court, having been fully advised in the premises, therefore issues the
5 following Permanent Injunction.

6
7 **ORDER**

8 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

9 1. This Court has jurisdiction over the subject matter of this action and the
10 parties named herein.

11 2. A Permanent Injunction is hereby entered in favor of plaintiffs
12 AGUSTIN RAMIREZ, ANTHONY RAMIREZ, AGUSTIN RAMIREZ, JR. and
13 against defendants MARIO SOTELO, RICARDO TARAZON, JORGE GUZMAN
14 and JUAN ANTONIO SOTELO, as follows:

15 Defendants, their officers, employees, agents, owners,
16 partners and all persons in active concert and participation with
17 any of them who receive notice of this Court's order, by personal
18 service or otherwise, are permanently enjoined and restrained
19 from using the name "Los Caminantes" or "Caminantes" or any
20 similar form of the name, including without limitation
21 "xCaminantes," "Caminantes Para Siempre" or any similar or
22 derivative form of the name "Caminantes," in connection with the
23 advertisement, marketing, promotion, or performance of live
24 performances by any Defendant, except to the extent that
25 nominative fair use applies. Thus, Defendants may state that they
26 used to perform with Los Caminantes as a description of past
27 musical performance experience.

28 3. This Court shall have continuing jurisdiction over the Stipulation and

1 the Permanent Injunction and over the parties to enforce the terms of the same and
2 to hear motions and applications related to the enforcement of this injunction.

3 With respect to motions or requests by any party to the accompanying stipulation
4 for enforcement of the Permanent Injunction, the Court shall honor the stipulation
5 of the parties, as follows:

6 a. With respect to an initial allegation by plaintiffs that a post-
7 injunction violation(s) of the Permanent Injunction has occurred or is threatened to
8 occur, plaintiffs may request a hearing or informal conference before the Court by
9 way of motion or application for an informal conference. Neither plaintiffs nor
10 defendants shall seek any contempt order, monetary sanction or attorney's fees with
11 respect to the first such hearing or conference requested, but rather limit their
12 request to a declaration from the Court regarding whether a violation has occurred
13 as guidance for the parties in the future.

14 b. With respect to a second allegation by plaintiffs that a post-
15 permanent injunction violation has occurred, plaintiffs shall follow the procedure in
16 the preceding subparagraph 3.a.

17 c. With respect any subsequent allegation by plaintiffs that a post-
18 permanent injunction violation has occurred, plaintiffs may seek enforcement by
19 way of appropriate motion or application.

20 4. The parties shall be entitled to conduct post-permanent injunction
21 discovery for the purpose of determining compliance and enforcing the terms of
22 this Permanent Injunction.

23 5. The parties waive costs and attorney's related to the litigation of this
24 case up to, and including, the issuance of this Permanent Injunction.

25 IT IS SO ORDERED.

26 Dated: June 20, 2016



27
28 HON. S. JAMES OTERO

United States District Judge

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